

Senate File 2132 - Introduced

SENATE FILE _____
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 2012)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to notices regarding the disposition of seized
2 property and providing an effective date.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 5686SV 82
5 jm/rj/14

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1 1 Section 1. Section 809.5, subsection 1, paragraph a, Code
1 2 Supplement 2007, is amended to read as follows:
1 3 a. ~~The If the value of the property is in excess of five~~
1 4 ~~hundred dollars, the~~ seizing agency shall send notice by
1 5 restricted certified mail, return receipt requested, to the
1 6 last known address of any person having an ownership or
1 7 possessory right in the property stating that the property
1 8 must be claimed within thirty days from the date of receipt of
1 9 the notice. Refusal of restricted certified mail, return
1 10 receipt requested, shall be construed as receipt of the
1 11 notice. ~~Such~~ The notice shall state that if no written claim
1 12 for the property is filed with the seizing agency within
1 13 thirty days from the date of receipt of the notice, the
1 14 property shall be deemed abandoned and disposed of
1 15 accordingly.
1 16 b. ~~If the value of the property is equal to or less than~~
1 17 ~~five hundred dollars, the seizing agency shall send notice by~~
1 18 ~~regular mail to the last known address of any person having an~~
1 19 ~~ownership or possessory right in the property stating that the~~
1 20 ~~property must be claimed within thirty days from the date of~~
1 21 ~~receipt of the notice. The notice shall state that if no~~
1 22 ~~written claim for the property is filed with the seizing~~
1 23 ~~agency within thirty days after the date of the mailing of the~~
1 24 ~~notice, the property shall be deemed abandoned and disposed of~~
1 25 ~~accordingly.~~

1 26 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
1 27 immediate importance, takes effect upon enactment.

1 28 EXPLANATION

1 29 This bill relates to the disposition of seized property.
1 30 The bill provides that if seized property is equal to or less
1 31 than \$500 in value, the seizing agency shall send notice by
1 32 regular mail to the last known address of any person having an
1 33 ownership or possessory right in the seized property. The
1 34 bill provides that the notice shall state that if no written
1 35 claim for the property is filed with the seizing agency within
2 1 30 days after the date of mailing the notice, the property
2 2 shall be deemed abandoned.

2 3 Current law requires the seizing agency to send the notice
2 4 by restricted certified mail, return receipt requested,
2 5 regardless of the value of the seized property.

2 6 The bill takes effect upon enactment.

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